

REMARKS

In the Office Action of March 29, the Examiner has entered a rejection of claims 4 and 6 under §112, first paragraph, has rejected claims 1, 2 and 5 under §102 as anticipated by Rattan (4,161,284), and has rejected claims 3 and 4 under §103 as being obvious over Rattan alone (claim 3) or Rattan combined with Fry (6,254,836) in the case of claim 4. In addition, a double patenting rejection has been entered with respect to claims 1-5. Applicant traverses the rejections and respond as follows.

First concerning the §102 rejection based on Rattan, this patent relates to a typical “fragrance dispensing packet” as commonly used in automobiles. According to this patent, a sealed container is provided with spike or piercing elements on its interior surface, such that when compressed, the spikes puncture a fragrance containing structure 24. Repeated puncturing of the vessel 24 will apparently result in the release of additional fragrance over time.

Applicant first notes that the structure of Rattan is largely made of fiberboard, and is indisputably not a “mat” or “floor mat” as claimed in the present application. Rather, the device of Rattan appears to be one of many types of deodorant devices which are designed to either hang within vehicles, or simply sit upon an out of the way surface thereof. Similar comments may be made with respect to the Fry patent. Neither of these patents disclose structures which are suitable for use as floor mats, and it is evident from their disclosures that they are not in fact mats or floor mats of any description.

The Examiner has conveniently avoided the “floor mat” limitation by indicating that the “floor mat” limitation appears in the preamble of several of the claims. While this is true, the

Examiner's argument would be more cogent if this were the only place in the claims where this limitation appears. In fact, however, each of the present claims expressly claims a mat or floor mat structure in the body of the claim, which limitation cannot be conveniently ignored.

In order to further emphasize this point, Applicant has amended claims 1 and 2 to indicate that the bottom portion of the floor mat includes a grip surface for maintaining a position of the floor mat on a floor. This amendment further reduces the relevance of the cited references, inasmuch as they do not disclose such a use, and accordingly do not disclose and have no need for such a grip surface.

Claim 3, however, has been maintained in its original form in order to underscore the principle that the reference structures are emphatically not characterizable as being "mats" under any normal meaning of this term. Claims 4 and 5 are believed to be distinguishable on this basis as well.

Regarding the §112 rejection of claims 4 and 6, Applicant will address these rejections in reverse order. Claim 6 simply states that the top portion of the mat is a face portion of either a clothes brush or a hair brush. The Examiner indicates that clothes brushes and hair brushes have not been adequately described in the disclosure.

The Examiner's position is not creditable. Clothes brushes and hair brushes are common household items, and it is quite unbelievable that any ordinary person, much less one of skill in the art, would not be familiar with such items. Therefore, it is quite unnecessary to describe such common items in any detail. One of ordinary skill in the brush art would certainly have no difficulty in identifying clothes brushes and hair brushes, and would further have no difficulty in

incorporating the structure of claim 3 into the face surface of either of these items. Accordingly, this rejection should be withdrawn.

Similar arguments are appropriate with respect to claim 4. The person of ordinary skill in this art well knows the meaning of such terms as “aerosol” “pump” and “time release agent”. For example, time release agents are known in the scent dispensing arts, and Applicant makes no claim to be the inventor of such agents. Aerosol members and pumps are so commonly well known as to not require any further description, although it is noted in this regard that the pump of the invention is in fact described in some detail at page 5 of the specification.

Finally, regarding the double patenting rejection, Applicant would be willing to execute a Terminal Disclaimer at an appropriate time, once the claims are otherwise allowable. Through evolution via amendment, it is likely that the terminal disclaimer will ultimately not be needed. In this regard, the amendments made to claims 1 and 2 herewith contain limitations not appearing in the copending application.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
USAN 10/712,343

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard C. Turner', written over a horizontal line.

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